



## **Town of Moultonborough Zoning Board of Adjustment**

### **Notice of Decision**

#### **Request for Special Exception - Non-Conforming Structure Peter R. and Susan W. White/Map 186, Lot 12**

**September 7, 2011**

**Applicant: Peter R. and Susan W. White  
44 Lowell Road  
Wellesley, MA 02481**

**Location: 34 Wallbridge Way, Moultonborough, NH (Tax Map 186, Lot 12)**

On August 17, 2011 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Peter R. and Susan W. White (hereinafter referred to as the "Applicant" and/or "Owner") for an application for a Variance under Article III B(1). At the beginning of the hearing, the applicant requested the Variance application be withdrawn and submitted an application for a Special Exception under Article VII (B)(3) to allow for expansion of a non-conforming primary building into the existing setback for the property located in the Residential Agricultural (RA) Zoning District at 34 Wallbridge Way, Moultonborough, NH.

Based on the application, testimony given at the hearing, and supporting documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 34 Wallbridge Way (Tax Map 186, Lot 12)
- 2) The applicant is the owner of record for the lot.
- 3) The lot is located in the Residential Agricultural (RA) Zoning District.
- 4) No members of the public spoke against this application during the Public Hearing.
- 5) The existing structure, a single-family residential unit, is the primary structure on the lot, and extends into the road setback as a pre-existing, nonconforming primary structure.
- 6) The applicant is proposing an addition to the existing structure within the fifty foot (50') road setback on the lot.
- 7) This is the first such Special Exception Application for the subject property.
- 8) The footprint of that portion of the new structure extending into the road setback will be approximately 309 sq.ft.

- 9) The footprint of that portion of the existing structure within the road setback is approximately 1,174 sq.ft.
- 10) The proposed new structure will not encroach further into the road setback than the original structure.
- 11) The proposed expansion will not intrude further into any setback area than does the existing structure.
- 12) The proposed addition will not exceed the height limitation of 32' allowed by the ordinance.
- 13) The proposed expansion will not have an adverse impact on the view, light or air of any abutter.
- 14) The proposed expansion will not cause property values to deteriorate.
- 15) The proposed expansion will not impede the existing rights of access or egress.
- 16) The new portion of the proposed expansion which will intrude into the road setback will not exceed the sq.ft. amount of intrusion that is present in the existing structure.
- 17) The non-conforming primary structure is not a commercial use.
- 18) Granting of this Special Exception will not result in the violation of any setbacks not already affected.
- 19) The application meets all of the requirements for a Special Exception under Article VII B(3).
- 20) The Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Hopkins, Nolin, Heal, Crowe), and none (0) opposed to continue the Public Hearing to September 7, 2011, and to direct staff to draft a Notice of Decision to Grant the Special Exception, to be reviewed by the Board at the September 7, 2011 Regular Meeting.

The Board of Adjustment continued the Public Hearing to September 7, 2011. The Board of Adjustment closed the public portion of the hearing on August 17, 2011. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of five (5) in favor (Stephens, Nolin, Heal, Roseberry, Crowe), none (0) opposed, to **GRANT** the request for Special Exception.

This decision shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.

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Robert H. Stephens  
Chairman, Zoning Board of Adjustment

Date \_\_\_\_\_